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10 Attorneys for Defendant
11 MEDTRONIC, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

17 ADVANCED CARDIOVASCULAR 18 SYSTEMS, INC..

Case No. C-95-3577 DLJ

19 Plaintiff,

**STIPULATION AND ORDER
CONTINUING HEARING ON
PLAINTIFF'S MOTION TO MODIFY
INJUNCTION AFTER OCTOBER 29,
2008**

— 10 —

Defendant

Date: September 19, 2008
Time: 2:00 p.m.
Courtroom: 1, 4th Floor
Judge: Hon. D. Lowell Jensen
Senior Judge

1 THE PARTIES TO THE ABOVE-ENTITLED CASE HEREBY STIPULATE AND
2 AGREE AS FOLLOWS:

3 WHEREAS Defendant's Motion to Modify Injunction After October 29, 2008
4 ("Defendant's Motion"), is currently set for hearing before the Court on September 19, 2008, at
5 2:00 p.m.;

6 WHEREAS Plaintiff seeks additional time to prepare responsive documents;

7 WHEREAS, Defendant seeks to ensure that the Court has adequate time to decide
8 Defendant's Motion before October 29, 2008; and

9 WHEREAS, Plaintiff agrees that it will not use this stipulation to argue against
10 Defendant's position that time is of the essence in addressing Defendant's Motion.

11 IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

12 1. The hearing on Defendant's Motion shall be continued to Friday, October 3,
13 2008, at 2:00 p.m.; and

14 2. Plaintiff agrees not to request a further continuance of or to otherwise seek to
15 delay the hearing on Defendant's Motion.

17 Dated: August 21, 2008

KEKER & VAN NEST, LLP

18 By: /s/ Ashok Ramani
19 Ashok Ramani
20 Attorneys for Defendant
MEDTRONIC, INC.

21 Dated: August 21, 2008

MCANDREWS HELD & MALLOY

23 By: /s/ David D. Headrick
24 David D. Headrick
25 Attorneys for Plaintiff
ADVANCED CARDIOVASCULAR
SYSTEMS, INC.

26 *Per General Order 45, filing counsel has*
27 *obtained concurrence in the filing of this*
28 *document from David Headrick*

1 IT IS SO ORDERED:
2

3 Honorable D. Lowell Jensen, Senior Judge

August 25, 2008

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